

REQUEST FOR CITY COUNCIL ACTION

City Council Meeting of 2/1/2010**Agenda Item: "K" - New Business****Originating Department:**
Public Works**Subject:**
**2009 SE Oralabor Road Reconstruction Project
- Development Agreement****Action Requested:**
Resolution**Council Goal:**
Improve mobility and infrastructure**Include Cover Sheet:** ☐**Legal: Item Reviewed by Legal Counsel****Executive Summary:**

The action before the Council is a motion to accept a development agreement with Gary Flaherty, who owns a residential property adjacent to the 2009 SE Oralabor Road Reconstruction Project. Mr. Flaherty's property is a corner lot that currently has two driveways, one with access onto SE Four Mile Drive, and one with access to SE Oralabor Road. The driveway onto SE Oralabor Road is an earth drive that is rarely used by Mr. Flaherty. There will be a raised median constructed along the center of SE Oralabor Road that will restrict the access to right-in / right-out only. To provide good access control, it is recommended that this second driveway be eliminated in the future, as the adjacent area develops. Mr. Flaherty has requested that he be allowed to keep this driveway at this time, so that he can move a large camper out of his yard on an infrequent basis. The agreement allows the driveway to stay in place now, but will require that the driveway be removed if the property is ever sold, developed or improved from its current use. Mr. Flaherty is agreeable with this.

It is recommended that Council approve the agreement and authorize the mayor to sign the original document to facilitate this access removal in the future.

Fiscal Impact: Yes ☐ No ☒

There is no fiscal impact.

City Manager's Recommendation:

It is recommended that the Council take the following action:

1. Approve the development agreement with Gary Flaherty.
2. Authorize the Mayor to sign the said agreement.

Previous Council/Commission/Board Action(s):**Public Outreach Efforts:**

The project engineer has field-reviewed the access locations with Mr. Flaherty and he is understanding of the agreement as proposed.

Action 1:

Consider MOTION to adopt RESOLUTION, authorizing the Mayor to sign a development agreement with Gary Flaherty concerning the use and future elimination of the secondary entrance drive connecting SE Oralabor Road within the limits of the 2009 SE Oralabor Road Reconstruction Project

Action 2:
N/A
Action 3:
N/A
Action 4:
N/A
Action 5:
N/A